

FILED

JUN 27 2002

NOEL K. DESSAINT
CLERK SUPREME COURT
BY *VAA*

SUPREME COURT OF ARIZONA

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-97-0428-AP
 Appellee,)
 v.) Maricopa County
) Superior Court
TIMOTHY STUART RING,) No. CR-95-01754 (A)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-99-0378-AP
 Appellee,)
 v.) Pima County Superior
) Court
LEMUEL PRION,) Nos. CR-58177 and
) CR-60263
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-99-0243-AP
 Appellee,)
 v.) Pima County Superior
) Court
ANDRE LAMONT MINNITT,) No. CR-40086
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0272-AP
 Appellee,)
 v.) Yuma County Superior
) Court
BERNARD SMITH,) Nos. S1400CR198311801
) and S1400CR198311817
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0161-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) Nos. CR1996-012554B and
 DORIS CARLSON,) CR1997-008939B
) (Consolidated)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-99-0536-AP
 Appellee,)
) Maricopa County
 v.) Superior Court
) No. CR96-04691
 ANTOIN JONES,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-99-0439-AP
 Appellee,)
) Pima County Superior
 v.) Court
) No. CR-58016
 DANNY N. MONTANO,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0328-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR98-04885
 WAYNE BENOIT PRINCE,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0360-AP
 Appellee,)
) Mohave County Superior
 v.) Court
) No. CR-98-838
MICHAEL GENE BLAKLEY,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0447-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR1997-011695
HENRY WILLIAM HALL,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0275-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR 1999-095294
SHAWN RYAN GRELL,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0508-AP
 Appellee,)
) Mohave County Superior
 v.) Court
) No. CR-98-1243
JAMES EDWARD DAVOLT, II,)
)
 Appellant.)
)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0544-AP
 Appellee,)
) Maricopa County Superior
 v.) Court No. CR1997-03949
)
 LEROY D. CROPPER,)
)
 Appellant.)
)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-00-0595-AP
 Appellee,)
) Pima County Superior
 v.) Court
) No. CR-61846
 SHAD DANIEL ARMSTRONG,)
)
 Appellant.)
)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0091-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR1999-015293
 EUGENE ROBERT TUCKER,)
)
 Appellant.)
)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0100-AP
 Appellee,)
) Pima County Superior
 v.) Court
) No. CR-64663
 KAJORNSAK PRASERTPHONG,)
)
 Appellant.)
)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0103-AP
 Appellee,)
) Pima County Superior
 v.) Court
) No. CR-64663
 CHRISTOPHER BO HUERSTEL,)
)
 Appellant.)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0129-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR1997-05555
 SHERMAN LEE RUTLEDGE,)
)
 Appellant.)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0270-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR1996-011714
 CHRISTOPHER GEORGE THEODORE)
 LAMAR,)
)
 Appellant.)
 _____)

STATE OF ARIZONA,) Arizona Supreme Court
) No. CR-01-0421-AP
 Appellee,)
) Maricopa County Superior
 v.) Court
) No. CR1995-006472
 MICHAEL JOE MURDAUGH,)
)
 Appellant.)
 _____)

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-99-0438-AP
Appellee,)	
	)	Maricopa County Superior
v.	)	Court
	)	No. CR-98-003520
JOHN EDWARD SANSING,)	
)	
Appellant.)	
)	

STATE OF ARIZONA,	)	Supreme Court
	)	No. CR-98-0289-AP
Appellee,)	
	)	Maricopa County Superior
v.	)	Court
	)	No. CR95-09046
JAMES CORNELL HARROD,)	
)	
Appellant.)	
)	

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-98-0376-AP
Appellee,)	
	)	Maricopa County Superior
v.	)	Court
	)	No. CR-93-08116
DARREL PETER PANDELI aka DARREL)	
PETER FLORIAN,)	
)	
Appellant.)	
)	

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-97-0317-PR
Appellee,)	
	)	Maricopa County
v.	)	Superior Court
	)	No. CR 92-05731
SCOTT ALAN LEHR,)	
)	
Appellant.)	
)	

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-98-0488-AP
Appellee,)	
	)	Pinal County
v.	)	Superior Court
	)	No. CR-96-021235
ARTURO ANDA CANEZ,)	
)	
Appellant.)	
_____)	

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-97-0349-AP
Appellee,)	
	)	Maricopa County
v.	)	Superior Court
	)	No. CR-94-11397
AARON SCOTT HOSKINS,)	
)	
Appellant.)	
_____)	

STATE OF ARIZONA,	)	Arizona Supreme Court
	)	No. CR-98-0278-AP
Appellee,)	
	)	Pima County
v.	)	Superior Court
	)	No. CR-55947
SCOTT DOUGLAS NORDSTROM,)	
)	
Appellant.	)	O R D E R
_____)	

The Supreme Court in *Ring v. Arizona*, 2002 WL 1357757 (U.S. June 24, 2002), has declared the Arizona capital sentencing statute, A.R.S. § 13-703, unconstitutional insofar as it permits the trial judge to find facts as to the presence or absence of statutory aggravating factors in reaching the ultimate

sentencing determination in capital cases.

There are currently 31 capital cases pending in this court at various stages of the process on direct appeal. These cases, captioned above separately, have been consolidated for purposes of this Order to establish a procedure for efficient, prospective case management.

There are several cases among the 31 in which an opinion has not yet been filed. In them, the court will proceed in the normal course by filing opinions as and when ready. Those opinions, however, will address only the issues pertaining to the trial phase, i.e., the guilt phase of the prosecution. If the conviction is affirmed, the opinions will reserve for later determination all matters pertaining to sentencing.

The court desires to receive briefs and will hear oral argument on several questions which appear to remain unanswered in the aftermath of *Ring*. Accordingly, this Order will request that briefs be filed by counsel for the state and counsel for the defendants addressing the questions set forth below.

NOW THEREFORE, IT IS ORDERED:

1. All cases above captioned are consolidated for the purpose of compliance with this Order.
2. Briefs of counsel shall address the following questions:

(a) In light of *Ring*, what is this court permitted to do in order properly to address and deal with the sentencing phase of the captioned cases? See Ariz. R. Crim. Proc. 31.23(c).

(b) What steps do counsel recommend be undertaken by this court in order properly to address and deal with the sentencing issues of the captioned cases? and

(c) Assuming the state legislature enacts a statute in response to the *Ring* decision, could such legislation affect sentencing in the 31 captioned cases?

3. Defendants' counsel in the 31 cases shall meet and agree on one lead counsel to brief and argue the cases. We assume the office of the Attorney General will represent the State in all cases. Lead counsel for the defendants may designate such assistant counsel as may be necessary. A single brief addressing the questions listed shall be submitted on behalf of the State and, similarly, a single brief shall be submitted on behalf of all defendants, inasmuch as the questions set forth are common to all.

4. The State's brief shall be filed no later than July 31, 2002. The defendants' responding brief shall be filed no later than August 30, 2002. The State may reply no later than September 13, 2002, and oral argument will be scheduled by further Order of this court.

5. Staff Counsel shall schedule a pre-briefing conference

with all counsel of record, to be convened with the then assigned Duty Justice July 15, 2002, at 1:30 p.m. in the Supreme Court at 1501 West Washington Street, Phoenix, Arizona.

6. Any issues which may be unique to an individual case will be considered by the court with additional briefing, if necessary, after the general questions set forth above relative to the 31 cases have been fully considered.

DATED this 27th day of June, 2002.

Charles E. Jones
Chief Justice

TO:

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